

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ROBERT JACKSON,

Case No. 2:21-cv-01772-JAD-EJY

Plaintiff,

V.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

ORDER

10 Before the Court is Interested Party Nevada Department of Corrections’ (“NDOC”) Motion
11 to Vacate Early Mediation Conference. ECF No. 12. NDOC moves to vacate the Early Mediation
12 Conference ordered to occur on January 13, 2023. ECF No. 11. Under District of Nevada Local
13 Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any
14 motion, except a motion under Fed. R. Civ. P. 56 ... constitutes a consent to the granting of the
15 motion.” Here, Plaintiff has not filed a timely response.

In its Motion, NDOC argues that Plaintiff, a *pro se* inmate, has filed two previous lawsuits—
2:21-cv-1773-CDS-VCF and 2:20-cv-01322-ART-VCF—in which the parties engaged in
mediations only to fail to come to a resolution. ECF No. 12 at 1-2. NDOC contends the two prior
cases involved similar sets of operative facts that are the subject of the instant litigation. *Id.* at 2. In
addition, NDOC asserts the parties’ positions in this case are fully developed and that mediation
will, once again, be unsuccessful. *Id.* at 3.

In support of the relief requested, NDOC cites to a recent decision by this Court stating, in relevant part: “A party moving to exclude a case from the [Inmate Early Mediation] program must demonstrate why the case is not suitable for mediation … [W]hen mediation does not appear likely to be productive and save resources, the Court may choose to remove a case from the program and vacate any scheduled mediation conference.” *Id.* at 2 *citing Hill v Villatoro*, Case No. 2:20-cv-01822-RFB-VCF, 2021 WL 8016717, at *1 (D. Nev. 2021).

1 Having reviewed NDOC's Motion and the applicable case law, the Court finds NDOC's
2 argument persuasive.

3 Accordingly, IT IS HEREBY ORDERED that Interested Party Nevada Department of
4 Corrections' Motion to Vacate Early Mediation Conference (ECF No. 12) is GRANTED.

5 IT IS FURTHER ORDERED that the Inmate Early Mediation Conference scheduled for
6 January 13, 2023 is vacated.

7 DATED this 2nd day of November, 2022.

8 
9 ELAYNA J. YOUCRAH
10 UNITED STATES MAGISTRATE JUDGE

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